

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

THE DIFFERENCE BETWEEN THE TWO HOUSES UPON THIS QUESTION.

SPEECHES

OF

HON. LOT M. MORRILL AND HON. O. P. MORTON

IN THE U. S. SENATE, JULY 7, 1876.

Mr. MORRILL. I wish to present a report of the Committee of Conference on the disagreeing votes of the two Houses on the legislative, executive and judicial appropriation bill.

The Chief Clerk read the report, as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2571) making appropriations for the legislative, executive and judicial departments of the Government for the fiscal year ending June 30, 1877, and for other purposes, having met, after full and free conference have been unable to agree.

LOT M. MORRILL,
WM. WINDOM,
R. E. WITHERS,

Managers on the part of the Senate.

SAML. J. RANDALL,
OTHO R. SINGLETON,
CHARLES FOSTER,

Managers on the part of the House.

Mr. MORRILL. I will simply send to the Chair and ask that the proposition of the conferees on the part of the Senate to the conferees on the part of the House of Representatives may be read at the Clerk's desk, and I ask the attention of the Senate to the proposition.

The Chief Clerk read as follows:

The Committee of Conference on the part of the Senate submit that as anything like a just and intelligent adjustment of the salaries of the employees, clerks, heads of bureaus, chiefs of divisions and of the subdivisions of the Executive Departments, a service at once extended and diversified, must necessarily involve a critical and laborious examination into its details and duties, an undertaking quite impracticable in the last days of a session of Congress, and unwise to attempt in connection with an appropriation bill, the committee therefore propose, as a concession, in order to meet the views of the House on the subject of appropriations for the salaries, that the Senate will recede from its amendments to the bill of the House in this respect, and remit the question of the revision and adjustment of the same to a joint committee of four, two of whom shall be appointed by the presiding officer of each House, whose duty it shall be to revise and adjust the salaries, having due regard to a just public economy and the efficiency of the service, and make report of their doing therein on the first day of the next session of Congress: *And provided*, That any change made in said salaries by Congress upon said report shall take effect from the 1st day of July, 1876, and all persons who shall be affected thereby and who shall continue in the service shall be deemed to have accepted the terms hereof and acquiesced therein.

But the Senate cannot, having regard to its constitutional rights and duties as a co-ordinate branch of the legislative department of the Government, assent to the changes in the existing law that it believes to be pernicious as the price of securing appropriations necessary to carry on the operations of the Government under the laws as they now exist. And upon the same principle the Senate does not demand that the House of Representatives shall vote to appropriate any money, even to meet the legal obligations of the United States, that the House may feel it to be its duty to refuse; thus leaving to each House absolute independence in respect of acceding or not acceding to new provisions of law that it believes to be unwise.

And the committee further submit that the Senate will recede from its amendments to the House

amendments on the reduction of the civil list in the Executive Departments of clerks and employees, and agree to any amendments which shall reduce the number one-half that proposed by the bill of the House, observing in such reduction the exercise of such discrimination as to the needs of the service in the several subdivisions thereof as a careful examination of the same may indicate.

Mr. MORRILL. Mr. President, I move that the Senate further insist upon its amendments and agree to the further conference asked by the House of Representatives, and if it is the desire of the Senate I will make some observations in regard to the attitude of the two Houses upon this great bill touching the entire civil service of the country and the circumstances surrounding it.

I begin by saying that the Committee on Appropriations of the Senate from the outset have been disposed, in great sincerity and candor and with alacrity, to meet every honest disposition on the part of the House of Representatives for retrenchment of the public expenditures, as I am sure every member of that committee will bear me out in saying, and as I certainly in turn will say of every member of that committee on the other side of the Chamber, and I am sure that those who have observed the temper of the Senate will agree that no other feeling or disposition has at any time been manifested except to meet every just demand for retrenchment which is consistent with the public service.

Now let us see what the precise points of the difference between the two Houses are upon this question. The House of Representatives sent this particular bill to the Senate, covering the entire civil service of the Executive Departments, with certain amendments: first, an amendment touching the compensation of this service and a change in the law in that respect, and, secondly, a very large numerical reduction of the civil list. Those were the two fundamental propositions. The bill came from the House of Representatives at the end of six months to be considered by the Senate. To investigate a question so broad as anything like an intelligent and just consideration of the salaries would involve very great labor, very careful and exact consideration and detail, and a great deal of time. Now, consider that at the end of these six months the Senate was expected to consider and pass, or pass without consideration, the principal appropriation bills for carrying on the Government. That is the predicament in which the Senate found itself at the end of six months of the session of Congress.

What was to be done on the first proposition by your committee? By the exercise of the only function it is presumed to have, and the only real function it really has, it was to consider, first, what the service was, as established by law, and to provide for it; and if we had had any other function, that was the only practicable one at the late hour at which this bill came to us. * * * I am stating the difficulty your Committee on Appropriations found in the beginning. It was to enter upon the task of arranging the salaries of the entire civil service in the Executive Departments of the Government, and that, in the last month it was to be hoped, of the session. If there

were no question of law or parliamentary usage to control a matter of that sort, is it not obvious that such a task as that could not be undertaken? But your committee had no option about it. It had no right whatever to consider a question of a change of salaries. Its duty, and its whole duty, having charge of making appropriations for the service of the Government, was done when it had ascertained what the service was and the amount of appropriations demanded for it in order to comply with the requirements of law. That was the sum total, the beginning and the end of its whole duty, and anything else than that was a usurpation of the legislative functions of this body. Therefore the committee had nothing to do but to place that compensation where the law had placed it, and report the bill back to the Senate. I believe the Senate divided upon that whole subject but once, upon one single proposition, thereby approving, as the committee had a right to believe and did believe, the proposition that it was not the function of an Appropriation Committee to change the law, but to appropriate in obedience to it was the obvious duty of the committee.

We are met in conference upon the ground that the House of Representatives does not agree to the proposition of the Senate to place these salaries in harmony with the obligations of the law and the public service as established by law, but it will put its judgment and fiat against the Senate and against the law; it is insisted that it possesses that omnipotence which is peculiar to the House of Commons, and which practically constitutes the House of Commons the Parliament, and makes the Senate "the effete Lords of Great Britain." That is where we are. An appropriation committee has come to mean the will of one branch of Congress and but one, and on a question of that sort there is no co-ordinate branch; and that is the attitude in which the Senate is placed, and upon such ground as that conference is impracticable, conference is impossible because there is and there can be but one party to such a question.

Now, in order to get rid of this complication, let us see what the committee on the part of the Senate proposed. The House on the first conference, as I said on a former occasion, refused to concur with the Senate in placing the compensation in harmony with the law. They would appropriate no more. Very well. It must be seen that in order to get a conclusion there must be concessions on one side or the other. The Senate could not recede from its amendments and take the action of the House of Representatives changing by absolute law the entire salaries in the whole civil service in the Executive Departments. The Senate could not do that; especially the Senate could not do that if demanded as the price of any appropriation at all. To do that was to concede that we were no longer a co-ordinate branch of the legislative department of the Government. It was abdication, as my honorable friend sitting near me [Mr. SHERMAN] says, absolute abdication. Well, if adhered to it is revolution. As long as the House of Representatives simply insists we are to confer; but when the House of Representatives gets so far that it adheres, it is revolution. That is what it is, absolute revolution. It is a defiance of the law, and that is revolution in this country. I maintain that in the Senate, in the House of Representatives, or out of it, the rule of right for our action here or elsewhere is the law, and it is equally obligatory on all; and whoever rebels against it is revolutionary.

What then did we propose? The House will appropriate no more than a certain portion for this compensation. We said, "We will take it, gentlemen." "Well, but there will be a claim for the balance." "Certainly there will." "Well, we shall be open to suit." Certainly you will, because this civil service is no myth. It is a reality; it is an entity. While it performs its duties it has its claims upon the Government as sacred as any right. It has a right to the compensations that are fixed by law until they are changed by the concurrent action of the two branches of Congress, with the assent of the President; and either branch that undertakes to innovate upon that basis gives the civil service a remedy against

the Treasury of the United States. Now, how should such a complication as that be cut? The House would not yield, would not appropriate any more money; the Senate would not yield to the House to change the salaries. What, then, should be done?

The Senate conferees, in order to make a concession which would relieve the House from the appropriation of any more money, and in order to relieve the Senate from the embarrassment in which the House amendment changing the salaries had placed it, and maintain its own character and its own independence as a co-ordinate branch of the Government, said, "We will do this: we will take what you appropriate; but on the question what the salaries shall be for this particular year and for all the future, so far as we are concerned, we will remit that question to a committee of four appointed by the presiding officers of the respective branches, who shall revise and adjust the whole question of compensation covered by this bill; and, Congress enacting it, that shall be the compensation for this year." Is that fair? Is that a reasonable proposition? Can any Senator rise here and tell this committee if he can, pray instruct them, or some other committee, what is to be done in this difficulty consistent with the integrity of both branches of Congress, consistent with the views of economy which they present to us on the part of the House, and also consistent with our own prerogative or our own character as a co-ordinate branch of the Congress of the United States?

You will see, Mr. President, that instead of undertaking to arrange the salaries ourselves, which is an impossibility, if we were to try it at this period of the session, instead of taking these salaries from the House of Representatives and changing the law, we say to them, "Let the whole subject be revised, and whatever shall be the judgment of Congress upon that revision, the report being made on the first day of the next session, that shall be the law and that shall be the compensation." Provision is made in this proposition to the end that all persons in the civil service shall take notice of the fact that we are revising the salaries, and if they continue in office up to the time when the change is made the changed compensation shall be that which they shall receive.

If more can be done consistent with the integrity of this body, let some man here proclaim it. So far as I am concerned, with every disposition to make honorable and just concessions to the House of Representatives, and only anxious to guard against the perils of an assumption which denies to the Senate of the United States the rights of a co-ordinate branch of the Government on questions of this sort, I have done the utmost in my power to conciliate and to concede everything that would bring us to a conclusion.

So much for the first part. The next proposition was the reduction of the numerical force. The House of Representatives propose to reduce that force twelve hundred. I appeal to my associates on the committee if they do not believe we all acted in perfect good faith and with a desire to meet the House of Representatives at the very lowest figure consistent with the public service. The committee came to the conclusion that something like a third of the proposed reduction was all that the public service would bear without being crippled. I desire that the Senate should understand how we got at that. It was by no guess. In the first place this committee has some experience on this subject. Year after year since the war was over, since it became necessary to curtail the expenditures of the Government, it has been our annual, obvious, and exigent necessity to examine into this service in detail. We think we know something about it; but we are not apt scholars, perhaps. However, with that knowledge which we have, we made application to the heads of the Departments and Bureaus having this great duty in charge, requiring them to institute a careful inspection into the whole service and to report to the committee the lowest figure to which that service could be reduced with a view of meeting the House of Representatives as far as was practicable, consistent with the public welfare.

Thereby we reached the conclusion previously

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stated. But here is the disagreement. The bills must be passed in some way by some mutual concession. The House of Representatives stands on a reduction of twelve hundred, which is one fourth of the entire service, and the Senate on its judgment, backed by the authorities at the head of this service, stands on one fourth of that. What is to be done? This last proposition meets the House of Representatives half way. Why? It is better that the public service should suffer somewhat than to encounter the perils which will come from a disagreement on this subject; and therefore, although it is the judgment of your conferees that this concession will to some extent injure the public service, will involve a good deal of difficulty first and last, yet on the whole it is best to make that concession, distributing it carefully over the various departments, and take the consequences, whatever they are. How is that received? Absolutely rejected. The Senate will judge what is to be done after that.

Now, just a word about the difficulties in which we are. It is said that we are dividing on a small matter. Well, Mr. President, if you look at this question of salaries as applicable to the clerks—I am not now speaking about the compensation of the Members of Congress; but, taking this rule as it applies to the clerks, it is so small that it seems to me standing by itself, it would be so immaterial—the mere dust in the balance—that you could hardly suppose the Congress of the United States would accord it a moment's consideration, as surely they would not. Now, what is the trouble? How much do Senators suppose is in controversy on that simple question of salaries touching the clerks? I see it is stated in the *Record* this morning that it all amounts to only \$250,000, or less than \$300,000. That shows how trivial a thing it is in the way of economy to touch those salaries; and that shows how right we were in our belief that the reduction of salaries fixed in 1854, when the purchasing power of the dollar was twice what it is now, particularly as applied to this city, is not the real point, and that this effort is not in the interest of a just economy. I do not mean to impeach the motives of the House of Representatives. I have said heretofore and I repeat now that they think this can be done. I give them all credit; but I do not believe it ought to be done, nor do I believe it can be proved to anybody that a crusade upon salaries fixed in 1854 under those circumstances and never touched by the party in power down to this day is a matter of public necessity, or that there is any public justice in the attempt to raid upon the clerks in these departments for any such purpose. It is too insignificant altogether for the consideration of statesmen.

Now let us see the order of events by which it comes to pass. The first event of which this is the outgrowth was the attempt of a committee to gather unto itself all the power of legislation upon an appropriation bill. There is where it began; and only in this light can you see the significance of what has been attempted, and only in this light can you see the importance of performing our duty to this Senate to-day and to the country to-day on the whole question of the salaries.

Do not understand that I am here to invoke the Senate of the United States to stand firm as to the change of a salary of a clerk from \$1,400 to \$1,350. That is not a subject of very great gravity in my mind, but the principle that lies behind it, the authority that demands the right to do it as against the Senate, covers the whole field of legislation and annihilates the Senate of the United States in principle. That is what it is. Now let us follow this out a little and we shall see the consequence of this change which we resist, of this undertaking to tell the Senate of the United States how much shall be appropriated and what laws shall be changed. Let us see what has been done on the line of the change of the public service through a Committee of Appropriations simply, whose functions are rather administrative than legislative. This is not the only instance. Other things in their order came up on other bills.

On the bill appropriating for the Army is a reorganization of the whole Army of the United States, a thing so delicate, a thing so complicated, a thing so critical in all its relations, as was well explained by my honorable friend from

Illinois, the chairman of the Military Committee, [Mr. LOGAN,] that it would take months of the time of those best acquainted with the subject to comprehend it; and yet the whole thing is proposed to be done upon an appropriation bill. And, Mr. President, just in harmony with the purpose—just in harmony with the act—for I will not talk of motives or purposes—what do you find? It is proclaimed that the army is altogether out of place in our system. Yes, sir; that has gone to the country absolutely that the Army of the United States is utterly out of place in our system, and one honorable gentleman has said here or somewhere else that he believes it is not only useless but on the whole it is pernicious in this country; that all we needed, he believed, was about three regiments of cavalry, and those should be under the direction of the Interior Department, to guard the frontiers against the Indians. See what a predicament we should be in. Abolish all the Army except three regiments and cover them into the Interior Department; and then abolish the Indian Bureau and cover that into the Army! That is the condition in which these bills come to us.

Then, following out the same policy, you had a reorganization of the Navy to some extent, and then you had an abolition, absolute and unqualified, of the Indian Bureau, and then you had a repeal of the enforcement act. Think of that! You had a repeal on an appropriation bill of the enforcement act and of the election laws, and in consequence of that, of course you had a large reduction of the expenditures necessary for the maintenance of those acts.

Then again, as if the extravagance of the Government was so extreme that no branch of the public service could be omitted, you had an entire revision of the diplomatic and consular relations of this country. The salaries of this service were established in 1855, resting upon the basis of 1850. Now the expenses of living are increased very largely over the expenses of living at that day in all quarters of the world, and everybody who knows much about our foreign affairs knows that we pay our diplomats much less than any nation at all comparable with us as a power. That must all be revised and reduced, as if we stood in the presence of some overpowering exigency!

Mr. President, I have said all I care to say about the pernicious policy of undertaking to gather into an appropriation bill the legislative functions of Congress and to insist upon enforcing that upon the Senate of the United States. I know, as everybody knows here, that we have been accustomed from time to time, on the one side and on the other, to propose alterations in the statutes of the country upon appropriation bills. That has been done, and that will be done, but it always implies of course the consent of both sides. Where an amendment of a statute is proposed by one side and the other side dissents, the party proposing is the innovating party, and so far as I know in the whole history of the country the innovating party always retires. If the Senate, for instance, proposes a material change in the law upon an appropriation bill or upon any other bill, but particularly upon an appropriation bill, which the House of Representatives does not see fit to accede to, it is the bounden duty of the Senate to retire from it. The law still remains, and is the law of the land, here as everywhere else. That is all I meant to say, and that is all I did say.

I hope, therefore, my honorable friend from Ohio will not think it is quite right for him to say that I have arraigned the House of Representatives as a revolutionary body. Nothing was further from my purpose, and nothing was further from anything I said. I repeat, Mr. President, that we are not quarreling or dividing (dividing is a better word, I withdraw the other) upon the question of the salaries of fourth-class clerks, fifth-class clerks, sixth-class clerks, or what not. We are dividing upon the general power undertaken to be exercised against the Senate to require it to receive whatever appropriation the House of Representatives sees fit to send to it, accompanied by whatever change of the law it sees fit also to send.

Mr. President, I said that I believed the Committee on Appropriations on the part of the Sen-

ate had from the beginning been disposed to meet the House of Representatives in a spirit of candor and fairness, appreciating their motives and willing to cut down the public service to the lowest point practicable. That is my belief, and I think the unanimous feeling of the Committee on Appropriations.

I now purpose to tell the Senate exactly what we have done and what has been realized, what the House of Representatives has done for the public service in the way of reduction and what the amount of reductions on the part of the Senate has been, and how the public service is left by its action.

I hope the Senate will give me their attention on this subject, because I think they will be surprised to see how near the House of Representatives and the Senate really stand upon the question of the appropriations for this year. There is an impression in the country, as there is here and in the House of Representatives, that the Senate has stood obstructing the reductions of expenditures.

The House of Representatives say to the country that we are supporting a very redundant service; that it is plethoric, that it needs to be curbed, to be pruned. In many respects that is true; but I think I am authorized to say that a wrong impression has prevailed about this service, and it is time the Senate of the United States addressed itself to a consideration of the subject. In the last three years we have reduced this very service about which so much complaint is made \$33,000,000.

Whoever supposes that the Senate of the United States has been redundant upon this question of appropriations, year in and year out, has a total misapprehension of the labors and the performance of the Senate of the United States.

In the first place, and I mention it not particularly to criticize, it is said that the House of Representatives have reduced by their bills over the appropriations of last year \$22,000,000. I will have very little to say about that, except that apparently it would seem to be true; that is to say, assuming that the amount of the appropriations last year was in round numbers \$177,000,000, as it was. My understanding of it, which I get from a careful examination of the bills, is that the bills as they passed the Senate reduced the appropriations over those of last year \$22,000,000. The difference, then, between us would seem to be that between \$22,000,000 and \$39,000,000. I do not speak with entire accuracy, but I speak with approximate accuracy. Now, how shall we account for that difference?

In order to see whether that reduction of \$39,000,000 is really what it seems to be, it is necessary that there should be some analysis of the appropriations on the part of the House. In the appropriation bills of last year there was a deficiency of \$4,000,000, and in making this estimate of \$39,000,000 the House inadvertently reckoned that in as a reduction of the expenses of this year. Of course, that should not be counted in. That would reduce their expenditure to \$35,000,000. Then they have re-appropriated balances, a thing quite unprecedented as a general appropriation; that is to say, starting upon a career of economy, starting upon the idea of making a large reduction of the public expenditures apparent to the public, they count in, in the first place, the deficiency bill of last year, which does not belong to this year at all because it is not a reduction anywhere; then they re-appropriate balances, and they do not count those as an appropriation at all; that is to say, balances due from this service of the last fiscal year. Instead of making a direct appropriation out of the Treasury they re-appropriate that balance.

Mr. WEST. Without mentioning the amount.

Mr. MORRILL, of Maine. Without mentioning the amount. That does not go in the appropriation, and their appropriation seems to be less by so much as are those unexpended balances of the last year. I have not gone into those. I do not know but that some of my colleagues on the committee have; I have not. I have seen it estimated elsewhere to have been five millions in all. The whole of the re-appropriation is put at five millions. If you deduct that, then what? That brings it down to \$30,000,000; that is to say, they

have reduced the appropriations this year from those of last year \$30,000,000. Then where do we stand? The Senate have conceded to the House of Representatives within \$5,000,000. That is not bad. I am inclined to think I shall surprise many of my honorable friends here when I state this fact. I am now undertaking to justify the action of the Senate and the Senate committee. I will show you by and by that in some respects we have done this very reluctantly. I think it has been overdone; but it has been done in the spirit of concession to the House of Representatives. I think the House of Representatives have exacted more than they were authorized to exact of us in just public economy.

My judgment is that it will be found when the year expires that by reason of these reductions very large deficiencies will be required, and that is the way they will be made up. We shall get through this year; we shall get over this particular occasion, and when we come to reflective days in the future we shall see that we have struck the service down below its demands, and shall be obliged to make appropriations for deficiencies to no inconsiderable extent.

Now let us see how the House of Representatives manage to reduce the expenditures—rather the appropriations. That must be interesting to us all. How do they make the appropriations of this year fall so much below the appropriations of last year? I have already remarked that in the first place they got rid of the Indian Bureau; in the second place they went at the foreign service; in the third place they went at the Army—they did not want any Army; and in several other particulars they interfered with the public service. But coming down now to that service which is not fixed and certain by law, there is where the innovation begins; and what did they do? I will show you how they managed to reduce in the sundry civil bill. The sundry civil bill of last year was \$29,459,855. The House appropriated \$15,256,731.32 in this year's bill. The sundry civil bill is well understood by the Senate to mean that which covers all the outlying service in great variety, and the House of Representatives reduced that \$14,000,000. How were they able to do that? Did they have an intelligent appreciation, a solicitous regard for the service?

Let us see how they accomplished it. I will give you some of the items. It will be too tedious for you to listen to a detail of the whole, but I will give you some as a sample. There are two ways of reducing expenses. Everybody understands that. If your housekeeping has become very expensive this year you will sell off your carriages, you will dismiss your servants, you will break up a variety of things so as to curtail expenses. Now the House of Representatives adopted two methods: first, to curtail the salaries in the way of compensation; secondly, to dispense with certain branches of the public service. The first item we come to, to account for this reduction in the sundry civil bill, is in regard to navy yards. We appropriate annually for the support of the navy yards from one million to a million and a half of dollars ordinarily; latterly, a little less, about a million or a million and a quarter.

Mr. THURMAN. Are those appropriations made in the sundry civil bill?

Mr. MORRILL, of Maine. Yes, sir; in the sundry civil bill.

Mr. THURMAN. Is that the proper place for them?

Mr. MORRILL, of Maine. Yes, sir; all that outlying service goes into the sundry civil bill: it is usual there, and there it was not found this year, but was put in by the Senate. That service covers all expenditures for all the navy yards. I do not mean the appropriations for improvements, but for the civil force for the maintenance of the organization of the navy yards. What did they do with that? Left it out altogether.

Come to another item, the question of fortifications. The estimate for fortifications this year was \$3,315,000. What did they do with that? Appropriated \$315,000; and what about the \$3,000,000 omitted? What do we do? We accepted their action. Why? It was discretionary with the House of Representatives whether they would do it or not, and it was obvious enough that they did not intend to do such a thing as that; and that is

a question over which either branch of Congress has control, particularly these outlying matters. Will not the Senate perceive how easy it is to retrench, to reform and to reduce if you neglect the public service altogether in whole or in part? That is the way to account for it.

Now, what is to be said about that? It is a public service omitted, is it not? When does it come back to us? Next year, of course. It is a service omitted; I speak of the fortifications. As to these navy-yards, does anybody suppose that they are to exist without an appropriation?

Mr. SHERMAN. Is there no appropriation for repairs or painting, or anything of that kind?

Mr. SARGENT. Not a dollar.

Mr. MORRILL, of Maine. Then, Mr. President, another item is the judicial expenses of the Government, amounting to a little over \$3,000,000 now. They have been increased of late years. The judicial expenses of the Government have been increased from various considerations. I will not stop to state them. They were appropriated for last year at something like three millions, perhaps a little over. The reduction on that was \$834,250. Why? They do not want so much judicial proceedings this year. That is obvious, and I think I am authorized to make the remark from the fact that they repealed certain laws which involved large expenditures in the way of judicial proceedings; and that may be consistent. So you may go on and enumerate. If you are disposed to give up the public service, there is no end to your retrenchment. But the question for the Senate of the United States is, What does the public service demand? That is the question that comes home to every one of us, and that is the paramount question wherever it arises.

Further on we come to the Court of Claims. Has the Court of Claims any claims on Congress? We established the Court of Claims; we invite suitors there; we inspire the confidence that they will have justice done there; and the legitimate inference would be that we would pay the judgments if they are against us. Well, they are estimated to have rendered judgments to the amount of \$2,000,000 against the United States, but not a farthing is appropriated in the bill, not a penny. What becomes of the Court of Claims or what becomes of the judgments of suitors? Their payment awaits what? It awaits the good favor of the House of Representatives to appropriate money to pay the judgments which the suitors having been invited into the court have obtained against the Government of the United States. That is \$2,000,000 more. I believe in almost every instance those judgments have passed through the Supreme Court of the United States and have the sanction of it. Now, it is an easy thing to save money in that way. Any man almost in his private affairs can be very saving if he will pocket other people's money and then refuse to pay his debts and he can get immunity from it. That is one way to reduce expenditures—an easy way!

Then again there is the item of public buildings, and a saving of \$1,987,160 is made over last year for public buildings. Well, I agree that that is a field where there is the exercise of a discretion undoubtedly, and undoubtedly this is one of the years when a sound discretion should be exercised; but my own belief about it is, considering these public buildings as a necessity, and considering the money spent in them an investment which is not lost, that we have cut them down unreasonably. Yet the House thought otherwise, and the Senate consented. I believe we objected in one or two cases; St. Louis was one; we generally concurred with the House. What has been saved? It is said, and the idea is given out, of large saving in public expenditures. Are we not going to finish these buildings? Of course, we are. If we do not finish them this year, is it money absolutely saved? That depends upon whether you can sell the buildings for what they cost, and want to sell them; but if they are to stand there to waste, it is not money saved, it is not a just economy and a just administration of public affairs at all. I am accounting, remember now, Mr. President, for the reductions this year from the expenditures and appropriations last year.

Now I come to the Bureau of Engraving and Printing, \$300,000. That is saved by the ordinary

operations of the public service. We are not doing as much printing, and I hope we shall do less. The good day indicated by the resumption act, by the abolition of note printing and the introduction of silver, enables us to do that. It will enable us to do many more things, and when it is consummated our finances will be in a much better condition than they are at present.

Another item is as to the surveys of the public lands. Usually we appropriate something like a million or a little more than a million dollars to survey the public lands. Our domain is immense, as you know. It has been considered a good policy to survey the public lands. Heretofore I believe without exception, during the whole series of years that I know anything about the Senate, we have thought it one of the proper things to be done to open the public domain, to survey the public domain, and last year we appropriated about \$1,000,000 for that purpose. This year it is thought good economy to save \$830,000 on that, and so for that particular item there is that much less than was appropriated last year.

But I shall weary the patience of the Senate, I am sure, if I go on with these items. I give you these samples. This is the way these appropriations have been reduced. In many instances I approve them; in many instances, I am sorry to say, I do not to the extent proposed; but where the service has been flexible, where the House of Representatives has a right to exercise judgment, in regard to that, in every instance, the Committee on Appropriations on the part of the Senate have made ample concessions; and we are not dividing on any of them.

Now let me refer to one other item which is of a class omitted entirely from the public service, and goes into this estimate. We appropriated last year \$1,060,600 toward the government of the District of Columbia. I would not like to enter upon that subject; but that we have some obligations to the District of Columbia I think is apparent from the fact that it is the capital of the nation; we have public buildings and grounds here, we own in the way of valuation at least one half of all the property here, and in the end we shall have much more than one half of all that is or ever will be here. We have an interest in it. That we have no obligations toward it, for myself, I have never supposed. I have believed that we have obligations to it. There is an administration here, civil and political, and we owe something to it. The appropriations for it last year were \$1,060,000, not a penny this. What is to be done? I appeal to the Senate now whether that is a right thing to do in regard to the District of Columbia. I appeal to the Senate whether they believe there is a condition of things in this country which justifies the Congress of the United States in neglecting altogether any contribution to the government of the District of Columbia. That is the way to save money apparently; that is the way to keep down an appropriation bill; and does anybody suppose that the District of Columbia will have no claim on us in the future? Is there any Senator here who expects to be here next December who does not expect to hear the clamor come up from the District of Columbia for help? Does anybody here believe that there is any saving in leaving it out now? For myself I do not believe it. The Senate did non-concur in this matter so far as to appropriate \$500,000, the fate of which I have not learned; but I have said sufficient upon that branch of the subject.

I wish now to say one thing more as to what the Senate has done approximately, and I shall relieve the patience of the Senate. I think it necessary that I should inform the Senate, because we are supposed to have been a little disposed to hold back from what the House of Representatives has done in a spirit of economy. I have already stated that the sundry civil appropriation bill last year was \$29,000,000 in round numbers. The House made it \$15,000,000 this year in round numbers, and the Senate made it \$19,000,000. The Senate you will see appropriates \$10,000,000 less than it did last year. On what ground do they do that? It will be said at once, "on the ground that you are not so expensive this year;" and therefore it becomes necessary for us to consider the elements that go into this reduction of

the Senate bill from \$20,000,000 to \$19,000,000, a reduction of \$10,000,000.

Without specifying details, seeing the purpose of the House of Representatives to make the greatest possible economy in their judgment, and being disposed to meet the House of Representatives upon that basis, which I have already considered somewhat at length in stating their side of it, we have reduced the public service beyond what we believe it ought to be. That is the way to account for it, and that is the way it stands. I will enumerate some of the branches of the service where we have made concessions which will have to be made good by an appropriation by a deficiency bill next year as certain as the service exists.

The revenue-cutter service has been reduced \$250,000. I do not think it ought to be reduced a dollar. It is that sort of service that has a perfect establishment. You cannot reduce it without injuring its efficiency. But we yielded to that.

Take the judicial expenses of the Government, \$435,000 reduction. Upon any basis that we know anything about, upon the representation of the Department of Justice, the appropriation is too low; but between this and December what they have got is enough, and when December comes the Department of Justice will raise its voice to justice for its needs, and a deficiency bill will supply what we now leave out.

Now as to the public buildings; we put them in last year and would have been glad to put them in this year; but out of deference to the House we agreed to leave them out.

Then you come to the Washington Aqueduct, \$790,000; and then to the District of Columbia, \$1,080,000, to which I have already referred; we leave that out except as to \$500,000, the fate of which, I say, we do not know.

In this way it will be seen that I explain on behalf of the Committee on Appropriations of the Senate how it is that we consent to reduce the appropriations in the sundry civil bill from \$29,000,000 to \$19,000,000, and are still perfectly consistent with the idea that the public service is not what it is supposed to have been.

One other observation and I shall have done. It is said that what we have witnessed since this Congress began is all in the interest of an exigent public necessity: that the deficiency of our revenue estimates demands all that is being done and much more besides. I think it was enunciated on the floor of the Senate in that kind of emphasis which I was complained of exercising by my honorable friend from Ohio, [Mr. TRUMAN,]—I would remind him that he sometimes gets emphatic—that it was obvious that we must retrench, or tax, or borrow to preserve the public credit. It was a phrase so compact and so easy of transportation that it went everywhere; and particularly as it went from the lips of my honorable friend at the time it did, it made an impression all over the country that we were absolutely in a dilemma where we must either tax or borrow

money, or must do some extraordinary thing in regard to expenditures. Of course I make no objection to the emphasis of my honorable friend, but to the general statement I do.

Now what is the fact? The late Secretary of the Treasury in his report told us that the receipts for the next year would be equal to all the obligations of the Government, including the sinking fund. I know, in answer to that, it will be said that since that time there has been a falling off in the customs revenue. That is true; but how much? Not above \$8,000,000. And do those who reckon in that way know that the balances saved from the appropriations of the last year nearly meet the deficiencies up to this time? That is never taken into account; nobody has even observed that so far as I know. Ah, it may be said that we appropriated extravagantly last year. No, not at all. Under the present accountability of the Departments it has become the policy of Congress, and no sounder policy ever did exist, to say to these Departments, "You shall not spend one dollar for anything except for that for which it was specifically appropriated." Therefore, it will be seen that it has become the necessity of Congress to appropriate amply for the service, and the balance goes into the public Treasury. That accounts for the latitude in some of the branches where appropriations have been made. But what has been the result? The accountability under the act of 1870 has become so strict and so exacting that whoever is disposed to read the estimates, the appropriations, and the expenditures of the Government can tell what they are for each year with as much certainty as he can tell the state of his own private account, unless there is fraud and forgery in the exhibit. Now what I mean to say is that the expenditures of this year fall short of last year over \$8,000,000.

As to next year, the latest estimate that I know anything of from the Treasury is: From customs, \$150,000,000; from internal revenue, \$122,000,000; from miscellaneous sources, \$19,000,000; making \$291,000,000 in all. If those receipts are to be realized, and they stand as against \$303,000,000 last year, then the revenues of this Government are ample for all its purposes. Of course, it does not lie in human wisdom to say with entire accuracy whether that will be so or not. General causes operate upon our customs receipts and upon our internal revenue; but the probability, from the best information the Department has upon the subject, is that our revenues from all sources will amount to \$291,000,000, which will be, according to the appropriations of this year, ample to meet all the obligations of the Government, including the sinking fund.

And, now, Mr. President, I have done. Thanking the Senate for their great consideration and patience, apologizing to them for the severe infliction I fear I have put upon them, and knowing that I am not likely to repeat it, I take my leave of the subject and the Senate.

SPEECH OF HON. O. P. MORTON,
JULY 7, 1876.

Mr. MORTON. Mr. President, the principle involved in the discussion this morning and in the apprehended dead-lock between the two bodies is one of the utmost importance to the independence and character of this body, and it is one which, if carried out, involves the existence of any form of government, two Houses instead of one constituting its legislative department. Has the House of Representatives a right to say to the Senate, "We will refuse to make appropriations which the general laws of the land require unless you will consent to the alteration of those laws; we will refuse to make an appropriation unless you consent that some law, which is obnoxious to one party or to the House, shall be changed or repealed?" That proposition involves the principle of nullification, pure and simple; it involves the precise position taken by the State of South Carolina in 1831 and 1832. South Carolina then said to the Government of the United States: "The tariff law is unconstitutional, and it is obnoxious; unless you repeal that law we will nullify it." Now, has the House of Representatives on the one hand, or the Senate on the other, a right to say to the other House, "A general law is obnoxious or it is unconstitutional in our view; unless you consent to repeal or to modify that law we will nullify it by withholding all the appropriations necessary to carry into operation the existing law?" Whenever either House takes that position, it is nullification; it is revolution, and you can make nothing else out of it.

Mr. BOGY. That is to say, you mean that the Senate nullifies the action of the House.

Mr. MORTON. No, sir; I say if either House puts itself into that position, that is nullification. For example, here is a general law on the subject of the tariff. Suppose the Senate should say to the House—to avoid giving offense I will put it in that form—suppose the Senate says to the House, "This tariff law is wrong," and, when the appropriation bill comes, attaches an amendment to it repealing certain sections of the tariff law, the House does not agree to that amendment, therefore the Senate says, "If you do not consent to this modification of the tariff law we will withhold all appropriations for custom-houses, for the collection of the revenue; we will nullify the whole law on the subject of collecting duties upon imports." If the Senate puts itself in that position, the Senate is a revolutionary and a nullifying body, and cannot justify its action for one moment; or if the House puts itself in that position, it assumes the attitude of a revolutionary or nullifying body.

Take, for example, the Army bill. Suppose the House attaches to the Army bill a provision repealing an election law, a law providing for the purity of elections; the Senate will not consent to the repeal of the election law; the House says, therefore, "We will make no appropriations for the Army." It says to us, "Repeal the election law or we will strike down the Army." That is no legitimate argument. Neither House has a right to do anything of that kind; that is the end of a government by two Houses instead of one. We should then be driven to go back to the old Roman Senate, or to the French system, and have but one House instead of having two. If the House says: "You like the election law so well you will not repeal it, we will destroy the Army; take your choice; take your choice between giving up the election law or giving up the Army entirely;" the House has no right to say that to us; it is the end of government if it does. Whether the election law is right or not is a question which the House has a right to present as a separate proposition; it is a fair matter of discussion between the two Houses. If we cannot agree to repeal or amend it, the law must stand. But when the House comes in and says, "Repeal that or we will destroy the Army," that it is illegitimate, it is revolutionary. It is the old argument, "Your money or your life."

So in regard to the Treasury Department. The House says, "The Treasury Department is one-half too large; it has too many employees; now, agree to reduce them one-half or we will destroy the whole Department, we will refuse to make

any appropriations at all for the Department." Has the House a right to do that? As to whether a general law providing for the organization of the Treasury Department ought to be amended is a fair question for debate; but if it is not amended, it must stand; and until it is changed it is the duty of both Houses to appropriate according to the requirements of that law. But suppose the House says, "The Treasury Department is too large; it is too costly; reduce it one-half, or we will destroy it." Is that legitimate; is that constitutional? Can you carry on this Government upon that principle at all? Certainly not.

Take the case of the Army. Suppose it is proposed to reduce the Army one half. We do not agree to that. The House says, "Then we will destroy the Army altogether; take one half or take none; you must either take half a loaf of bread or take none." Suppose they should say in regard to the Navy, "The Navy is too large by one half; reduce it one half, or you shall have no Navy at all; we will make no appropriation for a single ship; we will tie them up at the docks to rot, or we will anchor them out in the stream and let them sink gradually." I therefore appeal to the Senate upon the principle involved here. I say that sort of threat, "Yield to our views about the election law, yield to our views about the size of the Army, yield to our views about the cost of the Treasury Department, yield to our views upon this subject and that, or if you do not do it we will destroy the Government," that argument is illegitimate, it is unconstitutional.

If there is a proposition on an appropriation bill to change a general law, if both Houses do not concur in it, then the House proposing it should yield. In other words, they have no right under the Constitution and under their oaths to withhold the necessary appropriations because the change of a law outside of these appropriations is not conceded. We are now brought face to face with that principle. If it is proper for the House to say to us "Reduce your Army one half or we will destroy it," they then put us in that trying position, and we should be required to argue with ourselves, "Well, must we yield up our convictions in order to save a part of the Army?" Has one House the right to put the other in that position? Suppose the House says to us, "Yield up your convictions about the election law," an outside thing altogether, affecting other matters; "yield that up or we will take away from you the Army, we will make no appropriations for it at all, and of course it must fall to pieces." Can the House say that inside of constitutional government? I say not. Beware, then, of the precedent you set in this matter. If one House can nullify a law because the other House does not consent to amend it, it is the end of a government with two Houses. We should then come back to one House only, where there can be no conflict of that kind.

It is, then, Mr. President, a sharp issue, and there is no dodging it. The simple question is, whether we shall be driven to a change of general legislation by the threat of destroying the Government, or of stopping the wheels of Government, or of stopping a particular department in the Government. That is the whole question. They can argue with us on general principles, persuade us that the thing is wrong; that it ought to be changed; but to say to us, "If you do not agree to what we want, then we will destroy the whole thing," is no argument addressed to our reason. It is simply an argument addressed to our fears. We are, then, put in the position of saying we would rather yield on this subject than have the Government stop; we would rather surrender our judgment than to lose the Army or lose the Navy, or stop the wheels of the Treasury or any other department of the Government. It does seem to me that no Senator can consent for one moment to the recognition of that principle. Whenever the argument of destruction is addressed to us we should resist it, and we should say to those who offer that argument and take that position, "Take the consequences of your revolutionary and unconstitutional proceedings."

